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Total Number of Pages in This Submission

Application Number 10/509,292

Filing Date September 23, 2004

First Named Inventor Drivas, D.

Art Unit 1644

Examiner Name Crowder, Chun

Attorney Docket Number MP-01

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hoxie & Tso LLP		
Signature			
Printed name	Thomas Hoxie		
Date	October 9, 2006	Reg. No.	32,993

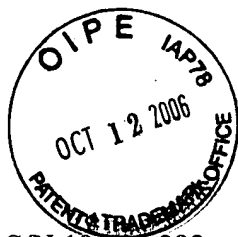
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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S/N 10/509,292

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Drivas, D.)	Examiner:	Crowder, Chun
)		
Serial No.:	10/509,292)	Group Art Unit:	1644
)		
Filed:	September 23, 2004)	Confirmation No.:	3709
)		
Title:	Methods and Compositions for)	Attorney Docket:	MP-01
	Treating and Preventing Eotaxin)		
	Mediated Inflammatory Conditions)		

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1,143, Applicant requests reconsideration and withdrawal of the Restriction Requirement dated September 7, 2006,

The Examiner bases that restriction requirement on the argument that "the inventions of Groups I and III were found to have no special technical feature that defined the contribution over the prior art of Jose et al."¹ Jose et al. describes the isolation and amino acid sequence of guinea pig eotaxin and the possible involvement of eotaxin in the guinea pig model of allergic

¹ Examiner cites Jose et al. at **JBC** 1994, Vol. 179, pages 881-887 stating that this reference was cited in an Information Disclosure Statement filed in this case on January 3, 2005. Applicant submitted two articles by Jose et al. with an Information Disclosure Statement dated December 22, 2004, neither of which was from JBC. Applicant believes the Examiner is referring to Jose et al., **J. Exp. Med.** 1994, Vol. 179, pages 881-887.

airways inflammation. Jose et al. however do not disclose human eotaxin, let alone eotaxin vaccines or immunogenic conjugates or methods of treatment involving generation of an active immune response to eotaxin. Certainly, this reference does not disclose or suggest the compositions and methods of the instant invention.

There is a technical relationship among the claims, all of which involve methods or immunogenic compositions for generating an active immune response to eotaxin, a special technical feature which is not disclosed or suggested in the art relied on by the Examiner. Accordingly, there is unity of invention within the meaning of PCT Rule 13 and 37 C.F.R. §1.475, and Applicant therefore respectfully requests that the restriction requirement be withdrawn.

Pursuant to 37 C.F.R. 1.143 and reserving all rights, including the right to reinstatement or rejoiner in the event the restriction requirement is withdrawn or a generic claim is allowed, and the right to pursue any non-elected inventions in divisional applications, Applicant provisionally restricts to the claims in Group I and provisionally elects the species wherein the immunogenic composition comprises a peptide fragment (SEQ ID NO 16) conjugated to DT, *e.g.*, as disclosed on page 17 of the specification.

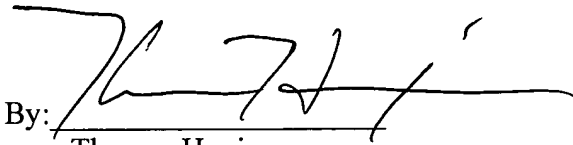
Reconsideration and withdrawal of the Restriction Requirement and a speedy allowance of the claims submitted is respectfully requested. The Examiner is invited to contact the

undersigned attorney for the Applicant in the event of any questions.

Respectfully submitted,

Date: October 9, 2006

By:

A handwritten signature in black ink, appearing to read 'THOXIE', written over a horizontal line.

Thomas Hoxie
Reg. No. 32,993

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